

08/11/98

Attorney's Docket No. 032524-001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**REQUEST FOR FILING CONTINUATION/DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)**

Box PATENT APPLICATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is a request for filing a [X] continuation [] divisional application under 37 C.F.R. § 1.53(b) of pending Application No. 08/316,415 filed on September 30, 1994, for METHOD FOR PRODUCING NOVEL DNA SEQUENCES WITH BIOLOGICAL ACTIVITY, by the following named inventor(s):

- (a) Full Name Marshall S. Horwitz
- (b) Full Name Lawrence A. Loeb
- (c) Full Name _____

- ☒ The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

- (a) Full Name _____
- (b) Full Name _____
- (c) Full Name _____

1. [x] Enclosed is a copy of the prior Application No. 08/316,415 as originally filed on September 30, 1994, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
2. [] Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.

(12/97)

3. ☐ _____ statement(s) claiming small entity status ☐ are enclosed ☐ were filed in prior Application No. __, filed on __.
4. ☐ The filing fee is calculated below ☐ and in accordance with the enclosed preliminary amendment:

CLAIMS					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Total Filing Fee					\$790.00
Total Claims	2	MINUS 20 =	0	x \$22.00 =	0.00
Independent Claims	2	MINUS 3 =	0	x \$82.00 =	0.00
If multiple dependent claims are presented, add \$270.00					0.00
Total Application Fee					0.00
If small entity status is claimed, subtract 50% of Total Application Fee					0.00
Add Assignment Recording Fee of \$40.00 if Assignment document is enclosed					0.00
TOTAL APPLICATION FEE DUE					\$790.00

5. ☐ Charge \$ _____ to Deposit Account No. _____ for the fee due.
6. ☐ A check in the amount of \$ _____ is enclosed for the fee due.
7. ☐
8. ☐ Cancel in this application original claim __ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
9. ☒ Amend the specification by inserting before the first line the sentence: --This application is a ☒ continuation, ☐ divisional, of Application No. 08/316,415, filed September 20, 1994.--
10. ☐ Transfer the drawings from the pending prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate of this paper is enclosed for filing in the prior application file. (May only be used if signed by person authorized under 37 C.F.R. § 1.138 and before payment of issue fee.)

11. ☐ New drawings are enclosed.
12. ☐ Priority of Application No. filed on in (country) is claimed under 35 U.S.C. § 119.
- ☐ The certified copy of the priority application
☐ is enclosed
☐ was filed on in prior Application No. , filed on
☐ has not yet been filed.
13. ☐ A preliminary amendment is enclosed.
14. ☒ Also enclosed copy of Petition Under 37 C.F.R. §1.48(a) from prior application and copy of Notice of Allowability showing grant of Petition
15. ☒ The power of attorney in the prior application is to David D. McMasters, Reg. No. 33,963,
and SEED and BERRY
- a. ☐ The power appears in the original papers in the prior application.
- b. ☒ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☐ Recognize as Associate Attorney .
- d. ☒ Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

SEED and BERRY
Attention: David D. McMasters
6300 Columbia Center
Seattle, Washington 98104-7092
Telephone: (206) 622-4900
Facsimile: (206) 682-6031

August 11, 1998
Date

By: Donna M. Meuth
Donna M. Meuth
Registration No. 36,607

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

☐ inventor(s)
☐ assignee of complete interest
☐ attorney or agent of record
☒ filed under 37 C.F.R. § 1.34(a)